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18N1/0719

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PAPER NUMBER

13

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07/19/94

Below is a communication from the EXAMINER in charge of this application
 COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

- a) is extended to run _____ or continues to run _____ from the date of the final rejection.
 b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due in accordance with 37 CFR 1.192(a).
 Applicant's response to the final rejection, filed June 20, 1994, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:
 1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
 a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 b. They raise new issues that would require further consideration and/or search. (See Note).
 c. They raise the issue of new matter. (See Note).
 d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: New claim 39 is indefinite under 35 U.S.C. 112, 2nd IP, over the recitation of "said first & 2nd primers" being selected from the group of primer sets... because (1) "the group of primer sets" lacks antecedent basis and (2) the claim is unclear as to whether "the first primers" and "the 2nd primers" refer to the first ~~or~~ 2nd primer set, or to the first or 2nd primers of each of the primer sets.

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
 3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: none

Claims objected to: _____

Claims rejected: 1-13, 15-20, 22-27, 30-38

However:

would have

Applicant's response has overcome the following rejection(s): (1) the objection to the drawings; (2) objection to the amendment of the spec; (3) rejection of claim 38 under 35 U.S.C. 112, 2nd IP.

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____
 5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.
 The proposed drawing correction has has not been approved by the examiner.
 Other

MARGARET PARR
 SUPERVISORY PATENT EXAMINER
 GROUP 1800

M. Parr 7/18/94

08/062 021